



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**HENRY LEE MITCHELL, III**

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§

**CASE NO. 1:02-CR-32(1)**

**MEMORANDUM ORDER ADOPTING  
FINDINGS OF FACT AND RECOMMENDATION ON PLEA OF TRUE**

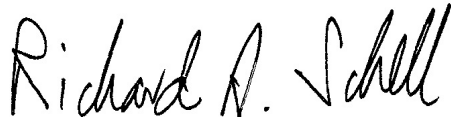
The Court referred this matter to United States Magistrate Judge Keith F. Giblin, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas. In accordance with 18 U.S.C. § 3401(I) and 18 U.S.C. § 3583(e), Judge Giblin held a hearing and submitted findings of fact and a recommendation on the revocation of Defendant's supervised release.

Having conducted the proceedings in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and 18 U.S.C. § 3583, the magistrate judge issued his *Findings of Fact and Recommendation on Plea of True* [Clerk's doc. #61]. The magistrate judge recommended that the Court revoke Defendant's supervised release and impose a term of imprisonment for the revocation, with no new term of supervision to follow.

The parties have not objected to Judge Giblin's report. Accordingly, after review, the Court concludes that the *Findings of Fact and Recommendation* should be accepted.

It is **ORDERED** that the *Findings of Fact and Recommendation on Plea of True* [Clerk's doc. #61] of the United States Magistrate Judge are **ADOPTED**. The Court finds that Defendant, Henry Lee Mitchell, III, violated conditions of his supervised release. The Court, therefore, **REVOKES** his term of supervision. Pursuant to the magistrate judge's recommendation, the Court **ORDERS** Defendant to serve a term of six (6) months imprisonment for the revocation, to be served consecutively to the sentence imposed against Mr. Mitchell by Chief United States District Judge Thad Heartfield in criminal cause number 1:07-CR-201, with credit for time spent in federal custody on this matter.

**SIGNED this the 9th day of September, 2008.**

  
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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE